

### **REMARKS**

Claims 1, 8 and 19 are pending in the application. Applicants have amended Claims 1 and 8 and canceled Claim 2. Applicants have not added new matter. Applicants respectfully request reconsideration in view of the above amendments and following remarks.

#### **Rejection Under 35 U.S.C. 112**

Claims 1, 2, 8 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

On page 3 of the Final Office Action, the Examiner asserts that there is no support in the specification or drawings for the claim features of a “sealing portion,” “wherein the sealing portion comprises an interior sealing surface and an exterior sealing surface defining an outer edge,” “the outer edge of the sealing portion,” “bent portions,” and “the vertically extending portions of the electrode tabs are positioned outwards of the outer edge of the sealing portion.” In the Advisory Action, the Examiner maintains that the “interior” and “exterior” surfaces, the “outer edge” and the “bent portions” are not supported in the specification.

Applicants respectfully disagree. However, solely to facilitate prosecution, Applicants have amended Claim 1 to delete the terms “an interior sealing surface and an exterior sealing surface defining,” an “outer” edge and “bent portions.” Claims 8 and 19 appear to be rejected only to the extent that they depend from Claim 1. Thus, Applicants submit that the rejection under 35 U.S.C. 112, first paragraph is moot.

For at least the forgoing, Applicants respectfully request withdrawal of the rejection of Claims 1, 8 and 19 under 35 U.S.C. 112.

#### **Rejection Under 35 U.S.C. 102**

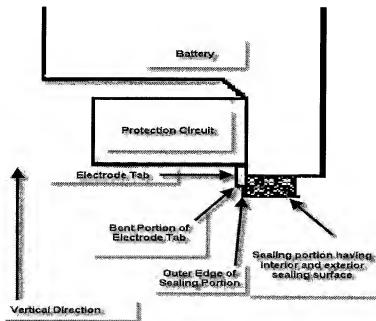
Claims 1, 2 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by KR 2002-0074550 to Jeong (hereinafter “Jeong”). Applicants respectfully traverse this rejection.

Applicants maintain that Jeong fails to disclose the features “wherein the electrode tabs are disposed parallel to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at which the sealing surface is contacted,” as previously recited in Claim 1. In

response to this argument, the Examiner only notes in the Advisory Action that “the outer wall” is not defined in the present claims.

Solely to facilitate prosecution, Applicants have amended Claim 1 so that it further defines “the outer wall,” specifically reciting “wherein the case has an outer wall substantially perpendicular to the main surfaces of the upper and lower case bodies.” Thus, Applicants submit that the Examiner’s response in the Advisory Action is moot and does not provide a meaningful response to Applicants’ argument, as set forth again below.

On page 6 of the Final Office Action, the Examiner notes that Jeong’s battery “will function the same regardless of its orientation” and notes that Jeong’s battery rotated 90° counter clockwise discloses the features recited in Claim 1. The Examiner’s rearrangement of FIG. 4 of Jeong is reproduced below.



The Examiner only refers generally to FIG. 4 for disclosing an “outer wall,” wherein the “the protection circuit board is disposed between an outer wall of the case and the bent electrode tabs.” (Final Office Action, page 4). The Examiner appears to refer to the surface of Jeong’s battery case that is parallel to the protection circuit for disclosing the “outer wall.” However, as shown above, Applicants note that the portion of Jeong’s battery that the Examiner specifically

refers to as the “electrode tab” is ***not disposed parallel*** to the outer wall of the battery case, but rather, disposed ***perpendicular*** to the outer wall of the battery case.

Thus, Applicants maintain that Jeong’s battery, regardless of its orientation, fails to teach or suggest at least the feature “wherein the electrode tabs have main surfaces that are disposed ***parallel*** to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at which the electrode tabs contact the edge of the sealing portion,” as recited in independent Claim 1, amended herein.

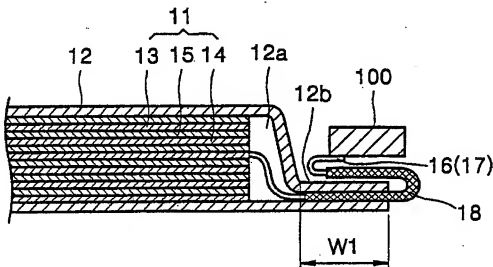
For at least the forgoing, Applicants respectfully request withdrawal of the rejection to independent Claim 1.

Claim 19 depends from Claim 1 and recites all the limitations recited in Claim 1 in addition to reciting further distinguishing features. For at least the reasons set forth above, Applicants respectfully request withdrawal of the rejection to Claim 19.

#### **Rejection Under 35 U.S.C. 103**

Claims 1, 2, 8 and 19 have been rejected under 35 U.S.C. 103(a) as unpatentable over Applicants’ Admitted Prior Art (hereinafter “AAPA”) in view of U.S. Pub. No. 2002/0039283 to Nakamura (hereinafter “Nakamura”). Applicants respectfully traverse this rejection.

For the Examiner’s convenience, FIG. 2 of AAPA is reproduced below.



Applicants note that the Examiner does not refer to any specific teaching in AAPA for disclosing the “outer wall” or the feature that “the electrode tabs are disposed parallel to the outer wall of

the case, in an upright position,” as previously recited in Claim 2, now canceled. Thus, Applicants submit that a *prima facie* case has not been established for the rejection of Claim 2, which has been incorporated into Claim 1.

Moreover, as shown above, Applicants note that electrode tabs 16 or 17 are *not disposed parallel* to the outer wall of the battery case and in an upright position, but rather, disposed perpendicular to the outer wall of the battery case. Thus, Applicants submit that AAPA fails to teach or suggest at least the feature “wherein the electrode tabs have main surfaces that are disposed parallel to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at which the electrode tabs contact the edge of the sealing portion,” as recited in independent Claim 1, amended herein.

Applicants submit that Nakamura fails to cure the deficiencies of AAPA. Nakamura is only cited for allegedly disclosing the feature of electrode tabs that “are bent only once at bent portions,” as recited in Claim 1. However, Nakamura fails to teach or suggest the feature “wherein the electrode tabs have main surfaces that are disposed parallel to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at which the electrode tabs contact the edge of the sealing portion,” as recited in independent Claim 1, amended herein.

For at least the forgoing, Applicants respectfully request withdrawal of the rejection to independent Claim 1.

Claims 8 and 19 depend from Claim 1 and recites all the limitations recited in Claim 1 in addition to reciting further distinguishing features. For at least the reasons set forth above, Applicants respectfully request withdrawal of the rejection to Claims 8 and 19.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

**Application No.:** 10/791,269  
**Filing Date:** March 3, 2004

Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

*Co-Pending Applications of Assignee*

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
<i>SDIYPL.386AUS</i> <i>(current application)</i>	10/791,269	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	03/03/2004
SDIYPL.386C1	11/265,131	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	11/03/2005
SDIYPL.386CP1	11/280,463	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	11/17/2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: June 23, 2011

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